

Page 4
Serial No. 10/706,536
Response to Official Action

In the Drawings

There are no amendments to the drawings.

Remarks

Applicant has amended claims 1, 2, 7, 18-22, 25-27 and 31. Applicant respectfully submits that no new matter was added by the amendment, as all of the amended matter was either previously illustrated or described in the drawings, written specification and/or claims of the present application. Entry of the amendment and favorable consideration thereof is earnestly requested.

35 U.S.C. §112, Second Paragraph Rejection

The Examiner has rejected Claim 27 stating that it “is unclear of claimed “near **an axis** extending from said body . . . “ whether the axis extending is a door or a chair. Please further define.” (Official Action 3/15/06, p. 2.) Applicant respectfully submits that the specification discloses the following “the position of the identified threat is mapped to one or more tactile sensation generators positioned in or near an axis extending from user 106 to the identified threat.” (Par. 40.) The axis may clearly be seen in FIGS. 4A – 4C as the dashed line extending between aircraft 116 and identified threat 114. Applicant is not sure what is meant by “a door or a chair”, however, the axis is the direct line extending between the two objects (i.e. aircraft or vehicles) and will change based on the distance and direction of the two objects from each other.

35 U.S.C. §103(a) Rejections

All of the claims of the present invention require among other limitations tactile communication of a threat to an operator. The Examiner has submitted that U.S. Patent

No. 4,967,641 (“Chambre”) teaches a threat detection interface system but does not disclose a tactile interface, however, U.S. Patent No. 4,008,456 (“Ewart”) teaches a tactile target alerting system and that it “would have been obvious . . . to implement the vibratory units as suggested in Ewart into the alert device of Chambre, in order to free up the operator’s hearing ability for other audible inputs such as voices communication, etc.” (Official Action 3/15/06, p. 3.) Applicant respectfully disagrees.

First, Chambre specifically teaches that “[t]he present invention pertains to a device to assist an operator with target acquisition in a weapons system” and that “[t]he present invention pertains more especially to a short-range weapons system in which the firing operations are performed manually by an operator.” (Col. 1, lines 10-11 & 16-18.) This is not a threat detection system, rather, this is a weapons targeting system. In fact, Chambre further teaches that “[t]he invention pertains to a device to provide an operator with target acquisition assistance in a weapon system.” (Col. 1, lines 47-49.) Therefore, the invention of Chambre is a weapons targeting system, not a threat detection system. (See, Par. 11 of the pending application.)

Second, it is well settled that the mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. See, e.g., MPEP 2143.01 (“The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination.”); *In re Mills*, 916 F.2d 680, 682, 16 USPQ2d 1430, 1432 (Fed. Cir. 1990). In the present case,

Applicant respectfully submits that a primary teaching of Chambre is provision of a "device comprising means to synthesize stereophonic sound signals intended for to operator and means to convert target-locating data into control data for the synthesis of stereophonic signals so that the operator gets a subjective sensation of a direction of attack corresponding to the actual direction of the target." (Col. 1, lines 50-56.)

Applicant respectfully submits that the use of sound signals is the basis of the Chambre system. It cannot be obvious to simply discard the primary teaching of Chambre without at least some suggestion in the prior art to do so as the Examiner is suggesting.

Applicant further notes that "[t]here must be some reason, suggestion, or motivation found in the prior art whereby a person of ordinary skill in the field of the invention would make the combination. That knowledge can not come from the applicant's invention itself." *In re Oetiker*, 977 F.2d, 1443, 1447 (Fed. Cir. 1992). See also *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991) (suggestion to combine must be found in the prior art, not the applicant's disclosure).

Applicant respectfully submits that the only motivation for discarding the primary teaching of Chambre according to Ewart is the presently pending claims because Chambre is very clear that stereophonic sound signals are the means used to signal the operator.

Third, it is well settled that if the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. MPEP 2143.01; *In re*

Gordon, 733 F.2d 900, 221 USPQ2d 1125 (Fed. Cir. 1984). In the present case, Applicant respectfully submits that *Chambre* teaches supplying the user with information including “the nature (N), direction (D_1), distance (d) and approaching speed (V) of the target.” (Col. 2, lines 27-28.) Specifically, *Chambre* teaches that the speed data is conveyed to the user by a stereophonic signal with a particular audible frequency. (See, Col. 1, lines 38-39.) Additionally, *Chambre* teaches that the “nature of the target, is read at a rate corresponding to the frequency elaborated by the computer” which identifies the particular craft by “phase-shifts corresponding to the data on intensity and phase transmitted to the computer.” (Col. 1, lines 58-68.) Neither of these targeting features may be accomplished by a tactile threat detection interface of *Ewart*.

While the tactile system taught in *Ewart* may provide for a distance and direction, it is unclear how *Ewart* would supply the speed of the target or the nature of the target as taught in *Chambre*. Applicant respectfully submits then that *Chambre* teaches away from the suggested combination and modification because it would result in a targeting system than could not provide the functionality taught in *Chambre*.

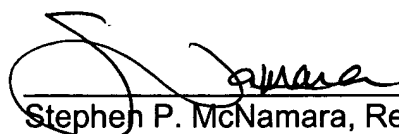
Accordingly, Applicant respectfully submits that it cannot be obvious to discard the primary teachings of *Chambre* in view of *Ewart* because there is no suggestion to do so, and because such a modification would create a system lacking in functionality and unsatisfactory for its intended purpose. Therefore, because all of the claims of the pending application require a tactile interface, none of the claims can be obvious in view of the prior art.

Page 9
Serial No. 10/706,536
Response to Official Action

It is respectfully submitted that claims 1-29, all of the claims remaining in the application, are in order for allowance and early notice to that effect is respectfully requested.

Respectfully submitted,

April 13, 2006
~~March~~



Stephen P. McNamara, Registration No. 32,745
Steven B. Simonis, Registration No. 54,449
Attorneys for Applicant
ST. ONGE STEWARD JOHNSTON & REENS LLC
986 Bedford Street
Stamford, CT 06905-5619
203 324-6155